

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1908 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? -

2. To be referred to the Reporter or not? -

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3. Whether Their Lordships wish to see the fair copy of the judgement? -

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? -

5. Whether it is to be circulated to the Civil Judge?  
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M N BHATTI

Versus

STATE OF GUJARAT

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Appearance:

MR SM MAZGAONKAR for Petitioner

MR CC BHALJA, A.G.P. for Respondent.

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CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 24/06/98

ORAL JUDGEMENT

This petition has been filed by the petitioner who was working as a Chemist, in Geology and Mining Department, Petrography and Mineral Chemistry Laboratory, Ahmedabad, for directions to the State Government to amend the Gujarat Civil Services (Revision of Pay) Rules, 1975 and to sanction to him a pay scale equivalent to

that sanctioned for the posts of Geologists. It is further prayed that the Government Resolution (Finance Department) dated 24-10-1978 be set aside to the extent that the Assistant Directors have been denied the parity of the scales granted to them that of Geologists. A further direction was sought for that the petitioner be granted the pay scale of Rs. 1100-1600 with effect from 1-1-73 at par with the pay scale sanctioned for the Geologists by the Government Resolution (Finance Department) dated 24-10-1978.

2. The learned counsel for the petitioner submitted that the Assistant Directors and Chemists were granted the same pay scale. But Desai Pay Commission recommended higher pay scale of Rs. 1100-1600 to the Geologists in 1975. But under the Rules, the Assistant Directors, Geologists and Chemists were placed at par so far as the pay scale is concerned. The pay scale was revised by the Government on 24-10-1988 and the Geologists were given higher pay scale of Rs. 1100-1600.

3. A writ petition being Special Civil Application No.1046 of 1980 filed by the Senior Geologists in this Court which was decided on 29/30-7-1980, whereby the Government Resolution dated 24-10-1978 was set aside regarding the part of the revised pay scale of the Geologists to Rs. 1100-1600 and as such all the Assistant Directors, Geologists and Chemists were placed at par far as pay scale is concerned. 3rd Pay Commission Report was submitted in the year 1985 which elaborately considered all the various aspects regarding the Assistant Directors, Geologists and Chemists and recommended the grade of Rs. 1750-3110 to the Assistant Geologist and Chemist and later on Shah Pay Commission Report was submitted in the year 1987 which also accepted pay-scale given to these persons at par. By the Government Resolution dated 9-9-1980 the Geologist have been given pay scale of Rs. 3000-4500. The petitioner are claiming the same pay scale on the basis of Shah Pay Commission Report. Learned Counsel for the petitioner also placed the relevant portion of the Shah Pay Commission Report on the record of this case. Learned Counsel for the State Government submitted that this is a matter which cannot be decided by this Court. The petitioner should have made representation before the appropriate authority placing their grievances. No finding can be recorded at this stage that the Government has committed any mistake in awarding higher grade to the Geologists and Chemist. In the facts and circumstances, it is difficult to record any finding that the Government has committed any error in absence of other materials

which might have been considered by the Government at the relevant time.

4. It would be proper that the petitioner may file their representation before the authority concerned/Government and Government/authority concerned will consider the grievances of the petitioner with any other materials which might have been considered at the earlier occasion and decide the claim of the petitioner on merits. In case, such representation is filed by the petitioner along with the certified copy of this order the Government/appropriate authority will decide the same within a period of three months from the date of receipt of representation along with the certified copy of this order.

5. In view of the above directions, this petition is disposed of. Rule is discharged accordingly, with no order as to costs.

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